

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

KEITH GRAY AND DEBORAH HARRIS

VS.

CIVIL ACTION NO. 5:05cv210-KS-MTP

DOUG UPCHURCH, INDIVIDUALLY, ET AL

ORDER

This cause is before the Court on plaintiff's Motion to Strike Mississippi Mortgage's Motion to Dismiss [31], no response thereto, and the Court after considering the same finds that the motion should be **sustained** for the following reason, to-wit:

A corporation can appear in Court only through an attorney and not through a non-attorney corporate officer or employee appearing pro se. *Devillers v. Atlas Corp.*, 360 F.2d 292, 294 (10<sup>th</sup> Cir. 1966), *Flora Constr. Co. v. Fireman's Fund, Ins. Co.*, 307 F.2d 413, 414 (10<sup>th</sup> Cir. 1962).

The defendant Mississippi Mortgage mailed a motion to the plaintiffs on March 29, 2006. It is attached as Exhibit A to this proceeding. The document was never filed properly with the Clerk's Office or was not properly docketed.

NOW, THEREFORE, IT IS HEREBY ORDERED that the unfiled or mis-docketed Motion to Dismiss dated March 29, 2006, and attached as Exhibit A to plaintiff's Motion to Strike Mississippi Mortgage's Motion to Dismiss [31], be and the same is hereby stricken and Mississippi Mortgage is given fifteen (15) days from the date of this order to appear and respond appropriately through an attorney.

SO ORDERED this, the 8<sup>th</sup> day of August, 2007.

*s/Keith Starrett*

UNITED STATES DISTRICT JUDGE